

SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,
CHHATTISGARH

WRIT PETITION NO. 6026 OF 2006

PETITIONER:

Govind Singh, S/o Shri Shishupal Singh, Aged about 34 years, Sarpanch, Gram Panchayat Amaldiha, Tah. Katghora, Janpad Panchayat Podi Uroda, Distt Korba (Chhattisgarh)

P.R. No. 6064/06
Presented by Shri. H.S. Patel
dated 2-11-06
3:35 PM

Versus

RESPONDENTS:

1. State of Chhattisgarh,
Through the Secretary, Department of Panchayat, D.K.S. Building, Mantralaya, Raipur (C.G.).
2. Director, Panchayat, State of Chhattisgarh, Raipur (C.G.)
3. Collector,
District Korba (C.G.)
4. S.D.O. (Revenue)
Katghora, District Korba (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA

W.P.No. 6026/2006
मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>6-11-2006</u> Shri H.S. Patel, Advocate for the petitioner. Shri N.K. Agrawal, Dy. Advocate General for the State. The petitioner has preferred this petition under Article 226/227 of the Constitution of India against the order dated 18-10-2006 Annexure P-1 by which Collector Korba has vacated the stay order granted by Additional Collector, Korba dated 6-7-2006 in an appeal preferred by the petitioner against his removal under Section 40(1) of the Chhattisgarh Panchayat Rah Adhiniyam, 1993. Learned counsel for the petitioner submits that order impugned has been passed without there being any application for the same by the respondent after the record was received from the file of Additional Collector, Korba by Collector Korba. He further submits that the petitioner is elected Sarpanch. He has been arbitrarily removed from his post by colourable exercise of power under Section 40(1) of the Panchayat Raj Adhiniyam, 1993 without affording any opportunity of hearing to the petitioner and to that extent order of removal is contrary to law, and therefore, in the aforesaid circumstances, the impugned order Annexure P-1 deserves to be quashed. From perusal of the order of Annexure P-5, it is seen that the order dated 22-3-2006 of the Sub Divisional Officer, Katghora was stayed by the appellate authority until further orders. However, the appellate authority by the impugned order after going through the order of the Sub Divisional Officer has vacated stay order after going through the order of removal with a finding that the continuance of the petitioner is not desirable in public interest. It is	

मामला क्रमांक W.P. No. 6026/2006 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	not the case of the petitioner that the above order has been passed malafidely or the same is beyond jurisdiction of the appellate authority or the same is contrary to any statutory provision. The appeal preferred by the appellant is still pending before the appellate authority. In the aforesaid circumstances, this Court is of considered opinion that no case is made out for interference in the impugned order under Article 227 of the Constitution of India and the petition deserves to be dismissed in admission stage. However, the appellate authority is directed to dispose of the appeal preferred by the petitioner expeditiously preferably within a period of 3 months after hearing the parties. The petition is accordingly disposed of.	Sd/- Dhirendra Mishra Judge

P.T.O.

10/11/06